

REPORT TO THE GENERAL ASSEMBLY
PROPOSED INCORPORATION OF THE
TOWN OF COLFAX
DECEMBER 18, 2000

The Joint Legislative Commission on Municipal Incorporations was created in 1986 by the General Assembly to conduct an independent review and evaluation of proposed municipal incorporations. This evaluation, to be conducted in accordance with a statutory set of objective criteria, is designed to allow the General Assembly to see the feasibility of the proposed new municipality. The Commission consists of four members of the General Assembly, one city official, and one county official. A list of members appears as Appendix A.

The statutory criteria require a review of community support, (a petition is required) population, land development, nearness to other urban areas, and ability to provide municipal services at a reasonable tax rate. A copy of the statutes authorizing the Commission and setting up the review standards is attached as Appendix B.

The Commission received a petition proposing the incorporation of the Town of Colfax in Guilford County on June 23, 1999. Because of deficiencies, the petition was returned to the proposed Town. The deficiencies were subsequently addressed and the petition was resubmitted to the Commission at its meeting on March 8, 2000. A copy of the petition is attached as Appendix C.

The Commission, pursuant to G.S. 120-161, asked the Division of Community Assistance of the Department of Commerce to evaluate the petition. The Division conducted the evaluation and, based upon its report, the Commission on March 8, 2000 found that the requirements of G.S. 120-163 and G.S. 120-164 had been met (a copy of the report is attached as Appendix D).

The Commission further asked the Division of Community Assistance to evaluate the proposed Town's petition for incorporation under G.S. 120-166 (a copy of the report is attached as Appendix E). The Division conducted the evaluation and determined that the Cities of Kernersville, High Point, Greensboro, and Winston-Salem have not expressly approved the incorporation of the proposed Town of Colfax as required by G.S. 120-166(b)(3). The City of Kernersville, by resolution, and the City of Greensboro, by letter, have expressed their opposition to the incorporation of Colfax (See Appendix E).

The Division also evaluated the proposed Town's petition under G.S. 120-167 through G.S. 120-170 (a copy of the report is attached as Appendix F). The Division found that the statutory requirements had been met, except G.S. 120-168, "Additional criteria; development." The Division determined that 25.5

percent of the subject area is developed rather than the 40 percent required in the statute. The Division further found that although the proposed Town proposes to provide two of the services required under G.S. 120-169.1, the petition did not include a plan for providing the services.

The Commission finds that the proposed Town of Colfax does not meet the standards required by Article 20 of Chapter 160A of the General Statutes, and therefore the Commission does not recommend incorporation of the area as the Town of Colfax.